

However it would have been obvious to one of the ordinary skill in the art to recognize that the analysis steps would be repeated for each combination of samples in order to compare and obtain accurate measurements of the specimens.

Reconsideration is respectfully requested.

The Examiner states: "Norman discloses a method of concurrent analysis of prepared multiple analyte specimens. Each specimen is introduced at an initial temperature to an analytical column." As stated, this is true, however, each specimen is introduced one-at-a-time to the analytical column. See column 2, lines 1 to 17 of Norman. Norman does not teach introducing a "first combination of r specimens...into a homogenizing volume to create a homogenized specimen" followed by "introducing at least a portion of the homogenized specimen to the analyzing instrument..." See Applicant's claim 1.

The Examiner states: "The analytical column is then heated to an intermediate temperature, which causes the first analyte specimen to enter into the column, followed by returning the analytical column to the initial temperature." Actually, Norman teaches that the first analyte (unmixed with other analytes) is caused to "partially travel into the column." This is not a quibble. This means it has advanced so as not to be mixed with the next to enter analyte. The specimens then travel "concurrently and discretely" through the column and "sequentially elute from, the analytical column." This means they do not mix in the column, let alone become homogenized.

Nothing in the Norman patent suggests the introduction of homogenized specimens. Indeed, the clear import of the Norman patent is that the specimens are not mixed or homogenized. It is illogical to assert that a reference teaches the very opposite of what it actually teaches. While noting that the Norman patent does not "specifically recite" that specimens are homogenized, the Examiner sets forth no reason why it would have been obvious from the disclosure of Norman to do so. Norman not only does not specifically

recite that the specimens are homogenized, Norman does not imply that they are homogenized. Indeed, Norman specifically teaches that the specimens are not homogenized but "discretely travel through" the analytical column.

With regard to claim 4, the Examiner states: "It is also obvious that the data system, central processing unit, is capable of performing mathematical deconvolution." Nothing in the Norman patent suggests that the "data system, central processing unit" has been programmed to perform deconvolution. It may be possible that "the data system, control processing unit" could be so programmed, but that is not enough. Moreover, since the specimens move discretely through the column and sequentially elute from the analytical column, there is no need for deconvolution in the Norman apparatus.

The Examiner has rejected claims 4 and 5 under 35 U.S.C. § 103(a) over Norman in view of Williams et al. U.S. Patent No. 4,978,852.

The Examiner states:

It would have been obvious to one of the ordinary skill in the art to modify the teachings of Norman by employing the teachings to Williams in order to enhance the sensitivity of the measurements.

The Examiner does not explain how the teachings of Williams et al. can be employed to modify the teachings of Norman. Even given that Williams et al. teaches the Hadamard deconvolution in MS/MS mass spectroscopy, there is no way it can be applied to the Norman method since with the Norman process, there is nothing to deconvolute. (The specimens are processed discretely and sequentially elute.) Still further, the Williams et al. patent does not suggest mixing and homogenizing specimens. The Williams et al. patent teaches selecting different fractions from a single specimen. Hence, there is no homogenizing step.

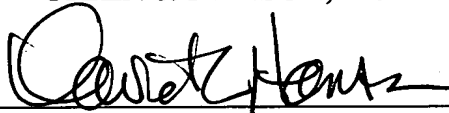
The Examiner has rejected claims 6-8 under 35 U.S.C. § 103(a) as unpatentable over Norman further in view of Kassel et al. U.S. Patent No. 6,066,848. The Examiner states: "Norman does not specifically recite that the specimens directed to the analysis instrument through controlled valves." The Examiner then recites the elements disclosed in the Kassel et al. patent. However, as carefully set out in the Kassel et al. patent, the electrosprayed specimens are "sequentially passed through the aperture in the blocking device and into the entrance orifice of the mass spectrometer one at a time." (Col. 2, lines 45-47.) The aperture is sized "so as to permit only one of the simultaneously electrosprayed fluids to pass therethrough, for reasons to be explained. Therefore, disc 40 operates as a blocking device to prevent the passage of all but one of the fluid samples from entering opening 52 of mass spectrometer 50." (Col. 8, lines 45-50.) There is no way that the apparatus of the Kassel et al. patent could be used to practice the Applicant's invention without substantial modification which is not suggested in either reference.

In view of the foregoing remarks, it is urged this case is now in condition for allowance.

Respectfully submitted,

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